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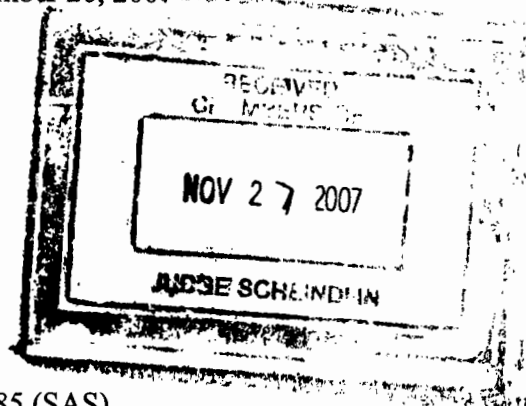
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November 26, 2007

VIA HAND DELIVERY

Honorable Shira A. Scheindlin
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, New York 10007



Re: Colette Warner v. City of New York et al., 07 Civ. 9785 (SAS)

Your Honor:

08 I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department assigned to the defense of the above-referenced matter on behalf of defendant City of New York.¹ In essence, plaintiff's complaint alleges false arrest, excessive force and malicious prosecution stemming from plaintiff's arrest on September 6, 2006. Consequently, I write to respectfully request a sixty-day enlargement of time, until January 28, 2007, for defendant City to respond to the complaint. Based upon the date of service on the City, its response is presently due on or about November 28, 2007. Plaintiff's counsel has consented to this request, and I note further that no previous request for an extension has been made in this action.

There are several reasons for seeking an enlargement of time in this matter. In accordance with this office's obligations under Rule 11 of the Federal Rules of Civil Procedure, we need time to investigate the allegations of the complaint. In this case, plaintiff alleges that she was falsely arrested, maliciously prosecuted and that excessive force was used against her. Accordingly, it is necessary for our office to acquire as much information as possible concerning

¹ This case has been assigned to Assistant Corporation Counsel Philip S. Frank, who is presently awaiting admission to the bar and is handling this matter under supervision. Mr. Frank may be reached directly at (212) 788-0893.

Request granted. The City's time to respond to the Complaint is extended to and including January 28, 2008. So Ordered: [Signature] 11/27/07

this matter in order to properly assess the case and respond to the complaint. Currently, this office is in the process of forwarding to plaintiff for execution a consent and authorization for the release of records that may have been sealed pursuant to New York Criminal Procedure Law § 160.50. The executed release is necessary for our office to obtain the District Attorney, Criminal Court and police records pertaining to plaintiff's underlying arrest and prosecution. In addition, given plaintiff's allegations that she was subjected to physical and emotional injuries, a release for any records of medical treatment must also be obtained.

Further, assuming plaintiff is able to identify and effect timely service on individual defendants, the extension should allow time for this office to determine, pursuant to Section 50-k of the New York General Municipal Law, and based on a review of the facts of the case, whether we may represent the individually named defendants. See Mercurio v. The City of New York, et al., 758 F.2d 862, 864-65 (2d Cir. 1985) (quoting Williams v. City of New York, et al., 64 N.Y.2d 800, 486 N.Y.S.2d 918 (1985) (decision whether to represent individual defendants is made by the Corporation Counsel as set forth in state law)).

I would like to assure the Court that we are attempting to move forward in this litigation as expeditiously as possible, and that the requested enlargement is necessary in order for us to proceed effectively. Accordingly, we would respectfully ask that the Court grant our request for a sixty-day enlargement of the City defendant's time to respond to the complaint, until January 28, 2007.

I thank the Court for its time and consideration in this matter.

Respectfully submitted,



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